

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSHUA EDWARDS and
REBEKAH EDWARDS,)
Plaintiffs,)
v.) CIVIL ACTION FILE NO:
STATE FARM FIRE AND CASUALTY)
COMPANY, a foreign corporation,) [On removal from the Superior
Defendant.) Court of Gwinnett County,
) Georgia; Civil Action No.
) 23-A-02086-2]

NOTICE OF REMOVAL

COMES NOW, STATE FARM FIRE AND CASUALTY COMPANY (hereinafter “State Farm” or “Defendant”) Defendant in the above referenced matter, and within the time prescribed by law, files this Notice of Removal, respectfully showing the Court the following facts:

1.

Plaintiffs JOSHUA EDWARDS and REBEKAH EDWARDS (hereinafter “Plaintiffs”) filed suit against Defendant State Farm in the Superior Court of Gwinnett County, which is a county within the Atlanta Division of this Court. This

suit is styled as above and numbered Civil Action File No. 23-A-02086-2 in that Court.

2.

Defendant State Farm shows that said suit was initiated on March 15, 2023, in the Superior Court of Gwinnett County. Plaintiffs served Defendant on March 21, 2023. Defendant shows that this Notice of Removal is filed within thirty (30) days from the date of service of said suit on Defendant. Therefore, removal is timely pursuant to 28 U.S.C. § 1446(b).

3.

Plaintiffs are residents and citizens of Colombia County. See, Complaint ¶ 1.

4.

Defendant State Farm is a corporation organized under the laws of the State of Illinois, with its principal place of business in the State of Illinois and is not a citizen of the State of Georgia. Defendant State Farm was not a citizen of the State of Georgia on the date of filing this action and has not been thereafter.

5.

Complete diversity exists between Plaintiffs and Defendant in accordance with 28 U.S.C. § 1332(a)(1).

6.

This action is a civil action between citizens of different state where the controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. Plaintiffs expressly allege in their Complaint that they are entitled to all damages to their Property and any resulting expenses and temporary repairs, as well as bad faith damages and attorney's fees and costs. See, Complaint ¶ 17, Prayer for Relief. Given the statements of Plaintiffs regarding the value of their claim and the amount they contend they are entitled to recover, the amount in dispute in this matter will exceed the jurisdictional requirement of \$75,000.00.

7.

Plaintiffs expressly state in their Complaint that they are seeking damages in the amount of \$140,353.26 as the repairs and costs necessary to restore the home following the Loss. See Complaint, ¶17. Based on its investigation, State Farm determined that the reasonable and necessary costs of covered repairs to the Property were significantly less and issued payment in the amount of \$8,944.92 for the structural repairs to the Property. Complaint, ¶15. Thus, based on the foregoing, the amount in dispute in this matter totals \$131,408.34, exclusive of extra-contractual damages sought by Plaintiffs.

8.

In light of the foregoing, the amount in controversy for this matter exceeds the jurisdictional requirement for removal of \$75,000.00.

9.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) as there is complete diversity of citizenship between Plaintiffs and Defendant and, as shown above, the amount in controversy exceeds \$75,000.00. Further, as required by 28 U.S.C. § 1441(b), Defendant State Farm is not a citizen of the State of Georgia.

10.

Defendant State Farm has attached hereto copies of all process, pleadings, and orders served upon it in this case prior to the date of this Notice of Removal. Such copies are attached hereto as **Exhibit A**.

11.

Defendant State Farm has given written notice of the filing of this Notice of Removal to Plaintiffs by notifying their attorneys of record, Remington Huggins, Esq., Michael D. Turner, Esq., and Foster L. Peebles of the Huggins Law Firm, 110 Norcross Street, Roswell, GA 30075. Defendant State Farm has also filed a written

notice with the Superior Court of Gwinnett County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendant STATE FARM FIRE AND CASUALTY COMPANY prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 18th day of April, 2023.

Respectfully Submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Alex A. Mikhalevsky
Alex A. Mikhalevsky, Esq.
Georgia Bar No. 711188
Samuel M. Lyon, Esq.
Georgia Bar No. 921804
Attorneys for the Defendant

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LOCAL RULE 5.1C CERTIFICATION

By signature below, counsel certifies that the foregoing pleading was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1C.

Respectfully submitted this 18th day of April, 2023.

Respectfully Submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Alex A. Mikhalevsky
Alex A. Mikhalevsky, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically filed and served the foregoing *State Farm Fire and Casualty Company's Notice of Removal* with the Clerk of Court using the CM/ECF e-filing system, through which the Court will send notification to the following attorney:

J. Remington Huggins, Esq.
Michael D. Turner, Esq.
110 Norcross Street
Roswell, GA 30075
remington@lawhuggins.com
mdturner@lawhuggins.com
Attorneys for Plaintiffs

This 18th day of April, 2023.

Respectfully Submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Alex A. Mikhalevsky
Alex A. Mikhalevsky, Esq.
Georgia Bar No. 711188
Samuel M. Lyon, Esq.
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